

INSTRUCTION GUIDE TO OBTAIN A COURT ORDER FOR TRANSFER OF MOTOR VEHICLE TITLE

This is not an application for a title. By filing this motion, you are commencing a district court action asking a judge to issue an order directing the Department of Public Safety to issue a title to a motor vehicle in your name. You will be required to prove that you are the rightful owner of the vehicle as well as why you are not able to obtain a title in your name through the usual means. Even if the court issues the order, you will still be required to apply for a title (submitting an original or certified copy of the order with the application) and pay all applicable taxes and fees, if you have not done so already.

You may NOT use this court process if Minnesota law requires a specific process for obtaining a title in your name under the particular circumstances. Some such circumstances include:

- If the title is in your name, but the title has been lost or destroyed. In that situation, you may apply for a duplicate title at any motor vehicle registration office. See MN 168A.09s1
- If the vehicle was abandoned on your property. In that case, you must follow the procedures for disposition of abandoned property. See MN Statutes Chapter 168B.
- If you performed work on the vehicle and the owner has failed to pay for those services. In that case, you must follow the procedures for a satisfaction of a mechanic's lien. See MN Statutes 514.18 to 514.22.
- If the vehicle is part of an estate after the death of the owner. In that case, you must follow the procedures for the probate of an estate. See MN Statutes Chapters 524 & 525. Note that an executor or administrator of an estate can apply for a duplicate title in the name of the decedent.

If you still need to proceed, you will need to open a case in District Court. The following documents are required to open the case:

- Notice of Motion, Motion and Affidavit for Order Directing Issuance of the Title to a Motor Vehicle
 - Findings of Fact and Order
 - Filing fee or waiver of fees
1. Complete all information on the Notice of Motion, Motion and Affidavit for Order Directing Issuance of Title to a Motor Vehicle and Findings of Fact and Order.
 2. Sign and date the Notice of Motion, Motion and Affidavit for Order Directing Issuance of Title to a Motor Vehicle in front of a notary public or the clerk in Civil Filing. Make three or four copies of the Notice of Motion, Motion and Affidavit for Order Directing Issuance of Title to a Motor Vehicle and Findings of Fact and Order (See "Using your certified copy of the motor vehicle registration").
 3. Bring your completed forms to the Civil Filing counter on the Public Service Level in the Government Center at 300 South 6th Street, Minneapolis. There is a statutory fee for filing this action. If this is a **hardship**, you may qualify to have the fees waived (your income must fall within the Federal Poverty Guidelines). Request the forms from the clerk at the Civil Filing counter.

After you have opened your case:

- You are given a pre-signed order from District Court allowing you to get a certified copy of the current Motor Vehicle Registration from the State Department of Motor Vehicles in St. Paul. On this copy you will find the last registered owner and any lien-holders. Phone 651-296-6911 for costs and questions on procedures and location.

Using your certified copy of the Motor Vehicle Registration:

- Complete a Notice of Filing to the previous owner and make a copy. Mail the Notice with one copy of the Notice of Motion, Motion and Affidavit for Order Directing Issuance of Title to a Motor Vehicle and Findings of Fact and Order to the person who is listed as the owner on the current Motor Vehicle Registration at their last known address. Send it by certified mail, "Return Receipt Requested".

If the registered owner is not the person you bought your car from, complete a separate Notice of Filing. Make a copy of the notice. Send it with one copy of the Notice of Motion, Motion and Affidavit for Order Directing Issuance of Title to a Motor Vehicle and Findings of Fact and Order by certified mail "Return Receipt Requested".

If there is a lien holder: Complete a separate Notice of Filing. Make a copy of the notice to file. Send it with one copy of the Notice of Motion, Motion and Affidavit for Order Directing Issuance of Title to a Motor Vehicle and Findings of Fact and Order by certified mail "Return Receipt Requested" to the lien-holder.

- Complete a Notice of Filing on the Commissioner of Public Safety and make a copy of notice. Send the notice and copy of the Notice of Motion, Motion and Affidavit for Order Directing Issuance of Title to a Motor Vehicle and Findings of Fact and Order by first class mail to:

**The Commissioner of the Department of Public Safety
C/o Attorney General's Office, Public Safety Division
445 Minnesota Street Suite 1800
St. Paul MN 55101-2134**

- Once you receive the certified mail receipt back from the post office, wait twenty (20) days plus three days for mailing. If you have received no objections, complete the Affidavit of Compliance.
- File the certified copy of the motor vehicle registration, copy of the notice of filing (one for each party notified), the certified mail return receipt(s), Affidavit of Service to the Commissioner of Public Safety and Affidavit of Compliance with the court.

4. Before your order will be considered the following document must be completed and brought to Civil Filing on the Public Service Level of the Government Center or mailed to Hennepin County District Court, MC 332 Government Center, 300 South 6th Street, Minneapolis, MN 55487-0332:
 - Certified copy of current motor vehicle registration
 - Copies of Notice of Filing (for each one you have sent out, including the Commissioner of Public Safety)
 - Certified mail receipt(s). If no one signed, bring whatever the Post Office gives you unopened.
 - Affidavit(s) of Service
 - Affidavit of Compliance

Once all the required documents are filed, court staff will review your file. If everything is in order, your proposed order will be submitted to a judge for consideration. If the judge signs your order, you will be sent a copy of the signed order by mail. If your motion is not granted, you will be notified by mail. It may take up to two weeks, once all your documentation is filed, before your motion is decided.

Once you receive the signed order, you can request a certified copy of the order for the certified copy fee. You must then take the certified copy of the order to either the Service Center on the Public Service Level of the Government Center, to another Service Center at Brookdale, Ridgedale, Southdale or directly to the Department of Motor Vehicles in St. Paul for them to issue a new title.